

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MURCIA-RETANA,

Defendant.

**4:23CR3007**

**ORDER**

Defendant moved to continue Defendant's change of plea hearing, (Filing No. 23), because although the plea hearing was set seven (7) weeks ago, the parties are still engaged in plea negotiations. The motion to continue is unopposed. Upon consideration of the motion,

IT IS ORDERED:

- 1) Defendant's motion, (Filing No. 23), is granted, and the change of plea hearing will not be held on July 6, 2023. However, the court will not reschedule a change of plea hearing without first receiving the completed and signed plea paperwork. Instead, the case will be set for trial.
- 2) The trial of this case is set to commence before John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on September 18, 2023, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) Expert witness disclosures as required under Rule 16 must be served on or before September 8, 2023.
- 4) The time between July 5, 2023 and September 18, 2023, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act because the parties require

additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 5th day of July, 2023.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge